

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR 03/02853	International filing date (day/month/year) 29.09.2003	Priority date (day/month/year) 27.09.2002
International Patent Classification (IPC) or national classification and IPC G06F9/44		
Applicant THALES		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets including this title page.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☐ Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 19.03.2004	Date of completion of this report 20.12.2004
Name and mailing address of the IPEA  European Patent Office - P.B. 5818 Patentaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016	Authorized officer: de Man, A Telephone No. +31 70 340-4527 

I. **Basis of the report**

1. This report has been drawn up on the basis of the following elements *(the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-14 as originally filed

Claims, No.:

1-6 as originally filed

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application,

☐ claims Nos.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

Concerning point III

Absence of formulation of opinion as to novelty, inventive step and industrial applicability

The application does not fulfill the conditions stated in Article 5 PCT, the application not setting out the invention clearly and completely enough for a person skilled in the art to be able to practice same.

To fulfill the conditions stated in Article 5 PCT, the application must indicate at least one way of executing the invention for which protection is applied (cf. Rule 5.1.a) v) PCT).

It is true that the description indicates elements necessary for practicing the invention, but it describes only their functions: a component (or container) for “encapsulating” the human and the context of use of the system (page 4, line 31 - page 6, line 9), the knowledge bases (page 5, lines 24-33 and page 8, line 26 – page 9, line 31), the application services (page 7, lines 24-31), the interface services (page 7, line 32 – page 8, line 7), the interaction services (page 8, lines 8-23 and page 12, line 22 – page 14, line 4), the means of representation for manipulating the knowledge bases (page 8, line 24-26 and page 9, line 32 – page 10, line 26), the subsets 18, 19, 20 (page 11, line 1 – page 11, line 33) and the filters and converters (page 12, line 4 – page 12, line 21).

The description does not give the person skilled in the art any indication regarding the implementation of these elements, nor any detailed information regarding their interaction.

Even if the person skilled in the art finds, in the state of the art, all the elements of the invention (the knowledge bases, the application services, the means of representation, and other components already cited), they would not be able, without inventive step, to adapt them so as to employ them in a method according to claim 1. For example, the description does not in any way indicate how the various classes of terminals may be represented in terms of input/output peripherals and the possibilities of expression in a knowledge base (page 9, lines 25-31), or how the container proposes a set of *intelligent* processing operations (page 5, line 30-33).

Hence, on the basis of the application, the person skilled in the art would not be able to apply, without inventive step, the novel component responsible for managing person-system interaction, described in page 4, line 31 – page 5, line 5.

Consequently, the description and the claims are not clear so that a valid opinion cannot be formed as regards novelty, inventive step and industrial application of the invention for which protection is applied.